

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, *ex rel.*
DAVID MORGAN,

Plaintiff,

v.

EXPRESS SCRIPTS, INC., et al.,

Defendants.

Civil No.: 2:05-cv-01714 (DMC)(JAD)

**DEFENDANTS EXPRESS SCRIPTS,
INC. AND MEDCO HEALTH
SOLUTIONS, INC.'S NOTICE OF
MOTION TO DISMISS THE
COMPLAINT**

TO: The Clerk of this Court and all Counsel of Record:

PLEASE TAKE NOTICE that on 20th day of May 2013, or at such time designated by the Court, the undersigned attorneys for Defendants Express Scripts, Inc. and Medco Health Solutions, Inc. (the “ESI Defendants”) shall move before the United States District Court, District of New Jersey, Newark Vicinage, Hon. Dennis M. Cavanaugh, U.S.D.J., Frank R. Lautenberg U.S. Post Office & Court House Building, Room 4, Newark, NJ 07101-0999 for an order dismissing with prejudice the Complaint and all claims asserted against the ESI Defendants in the above-captioned action; and

PLEASE TAKE FURTHER NOTICE that in support of this Motion the ESI Defendants shall rely on the Certification of Daniel W. Lageman, dated April 16, 2013, along with attached exhibits and a memorandum of law; and

PLEASE TAKE FURTHER NOTICE that ESI Defendants respectfully request oral argument on this motion if opposed.

Dated: April 16, 2013

Respectfully submitted,

/s/ Daniel W. Lageman

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CERTIFICATION OF SERVICE

I hereby certify that on the 16th day of April 2013, I electronically transmitted this Notice of Motion, Memorandum of Law, Certification of Daniel W. Lageman (with exhibits) and a Proposed Order to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record.

Dated: April 16, 2013

/s/ Daniel W. Lageman

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